



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

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Name of Individual Certifying this Document/Proposed Document

ADMINISTRATOR, DIVISION OF COMMUNITY CORRECTIONS

Title


[Handwritten Signature]

Signature

6/25/19

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)

 <p style="text-align: center;">WISCONSIN DEPARTMENT OF CORRECTIONS Division of Community Corrections DOC-1356 Administrative Directive # 13-10</p>	EFFECTIVE DATE January 1, 2014	PAGE NUMBER 1 of 3
	MANUAL REFERENCE 06.49	<input checked="" type="checkbox"/> New <input type="checkbox"/> Revision
	ORIGINATED BY ADMINISTRATOR'S OFFICE Denise Symdon <i>Denise Symdon</i>	
DISSEMINATION <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Supervisory Staff Only		PRIORITY <input checked="" type="checkbox"/> Policy/Directive <input type="checkbox"/> Information Discuss at Staff Meeting Read/Route/Post
SUBJECT: 2011 Wisconsin Act 266 – Global Positioning System (GPS) Monitoring for Certain Restraining Order Violators		

Reference (s): Wisconsin State Statute 301.49
 2011 Wisconsin Act 266
 DCC Administrative Directive 13-11

Definitions, Acronyms:

Agent: Department of Corrections Probation and Parole Agent

COMPAS: Correctional Offender Management Profiling for Alternative Sanctions

DCC: Division of Community Corrections

DOC: Department of Corrections

Exclusion Zone: a geographic area in which a person who is monitored using a global positioning system tracking device is prohibited from entering.

GPS: Global Positioning System

Inclusion Zone: a geographic area in which a person who is monitored using a global positioning system tracking device is prohibited from leaving.

Victim: the person who petitioned for the restraining order or injunction that was issued under s. 813.12 or 813.125 and subsequently violated.

VINE system: Victim Information and Notification Everyday. A system designed to inform and notify victims of an offender's status.

Warning Zone: a geographical area that extends beyond or in addition to exclusion zones, with intended purpose of providing an enhanced level of notification to victims.

DOC Forms:

DOC 2665	-	2011 WI Act 266 Victim Acknowledgement
DOC 2665A	-	2011 WI Act 266 Petitioner/Victim Information
DOC 2667	-	2011 WI Act 266 Risk Assessment Cover Letter
DOC 1362B	-	GPS Enrollment

Policy Statement:

This policy is intended to provide direction and notification regarding 2011 Wisconsin Act 266. On April 9, 2012 Wisconsin lawmakers enacted legislation creating a surcharge and increasing penalties for individuals convicted of violating certain restraining orders. Persons convicted or who enter a deferred prosecution agreement as of July 1, 2013 for violating a qualifying restraining order will be assessed a court ordered surcharge of \$200 per count. Funds collected from this surcharge will be placed in an appropriation (§20.410 (1)(g)) created by the Legislature and will be utilized for expenditures related to offenders tracked on GPS under 2011 WI Act 266.

2011 WI Act 266 allows the sentencing court to order GPS monitoring as a condition of supervision for persons who violate qualifying restraining orders on or after January 1, 2014. The court may require DOC to complete a validated risk assessment to assist in its determination whether GPS monitoring will be ordered. This may occur prior to placement on community supervision. 2011 WI Act 266 increases the allowable term of community supervision to four years for those convicted of violating a qualifying restraining order. If GPS monitoring is ordered, DOC Agents are required to establish exclusion zones. To be considered an WI 2011 Act 266 offender, GPS must be an active, court ordered condition of supervision. If an offender enters an exclusion zone listed under an order of protection, this provides the basis for a new criminal charge of Violating a Restraining Order.

The Department of Corrections will charge a fee to individuals who are subject to GPS under 2011 WI Act 266. The fee will offset the costs of the tracking based on a person's ability to pay. It should be noted, whoever intentionally tampers with a GPS tracking device or comparable technology, without the authorization of the Department of Corrections, as provided under s. 946.465, is guilty of a Class I Felony.

Procedure:

1. The agent will complete a validated risk assessment on individuals when requested by the court. This may occur prior to an offender being placed on supervision. Agents will complete a COMPAS Core assessment on all individuals referred for an 2011 WI Act 266 risk assessment. The bar chart, narrative, and DOC 2667, the 2011 WI Act 266 Risk Assessment Cover Letter, will be provided to the court. If the court does not order an assessment prior to placing the offender on supervision, the agent will complete a COMPAS Core assessment during the intake process. Upon intake, the offender will be supervised at the Enhanced Supervision level. Decreasing supervision level below an enhanced level of supervision while on GPS is at the discretion of the agent and field supervisor. If an offender qualifies as both an 2011 WI ACT 266 and INT/SO offender, supervision will occur at the INT/SO level. Contact standards shall not fall below the Medium level, and home visits should not be waived.
2. Due to the prompt timelines for GPS enrollment, which will require victim input for appropriate exclusion zones, attempts to contact the victim shall occur immediately upon an offender's placement on supervision. The victim will be apprised of the benefits, expectations, and limitations of GPS monitoring utilizing the DOC 2665 – 2011 WI Act 266 Victim Acknowledgment, and utilize the DOC 2665A, 2011 WI Act 266 Petitioner/Victim Information, to collect contact information from the victim. The GPS enrollment will be completed within five business days of placement on supervision utilizing the DOC 1362B. If victim contact is not successful, agents shall utilize addresses listed on the restraining order which prompted the most recent conviction. The establishment of exclusion zones shall be performed with the objective of victim safety. The size and location shall be reasonable and defensible as entry into an exclusion zone constitutes a serious violation of supervision and will result in custody. Geographic areas included on orders of protection shall be listed as an exclusion zone(s), which if violated will constitute a violation of supervision and referral to law enforcement for a criminal charge of Violating a Restraining Order. In the event victim contact is unsuccessful and no exclusion zone can be established, the court shall be contacted. Prior to this occurring, every effort shall be made to contact the victim.

3. While 2011 WI Act 266 Offenders are supervised at the Enhanced Supervision level, Agents will have monthly contact with victims in order to ensure accurate exclusion zones and contact information. Agents will make every effort to establish and maintain victim contact, including but not limited to phone, visits to the victim's home, and collateral contacts with victim/witness advocates. If the victim is not comfortable meeting with an Agent at the DCC office, consideration shall be given to meeting with victims in a location he or she finds comfortable. Out of concern about the offender knowing their location, victims may request their home, place of employment, or other location not be utilized as an exclusion zone. Victim contact shall continue as necessary if an Offender is no longer supervised at the Enhanced Supervision level. While victim input is crucial, it is not absolutely necessary for 2011 WI Act 266 GPS supervision.

A victim may request contact with an offender currently on 2011 WI Act 266 GPS tracking. Prior to allowing contact, an agent shall ensure there are no active orders of protection. Agents shall refer the victim to a local domestic violence advocate or provider for consultation, and shall attempt to conclude whether an offender is influencing the request to lift GPS monitoring. GPS tracking will continue until a Court has lifted the order.

4. Victim information obtained by the Agent utilizing the DOC 2665A will be entered into the VINE System, which will be utilized for victim notification regarding 2011 WI Act 266 offenders. The DCC Monitoring and Communications Center will receive alerts of exclusion zone violations. When an exclusion zone violation occurs, the Monitoring Center will immediately contact the victim utilizing the VINE system as well as local law enforcement, and attempt to have the offender placed into custody. If the offender is not immediately located by law enforcement, an apprehension request will be issued.
5. Offenders will be provided notice of all exclusion zones which are to be documented in COMPAS notes. All exclusion zone violations represent a mandatory custody, and immediate law enforcement notification shall occur. If the exclusion zone violation is believed to represent new criminal behavior, a referral to law enforcement for consideration of new criminal charges shall occur within ten business days of the incident utilizing a probable cause report (see page 4).
6. Warning zones may be established to alert the offender and/or victim of the proximity to an exclusion zone. A warning zone is intended to geographically surround an exclusion zone, and is an area in which the offender may not be present. The enforcement of warning zones shall be case specific, and include victim notification.
7. 2011 WI Act 266 offenders serving a jail sentence with work release privileges shall comply with GPS monitoring. GPS monitoring is not required when serving a jail or prison sentence with no release privileges.
8. GPS monitoring will be maintained throughout the period of supervision, unless the court has lifted this condition.
9. If GPS monitoring is a condition of supervision, interstate compact requests will be submitted with the requirement of GPS monitoring in the receiving state. If the receiving state cannot comply with the request, the transfer shall not occur. Victim input shall be considered prior to submitting a request for interstate compact. An offender cannot be subject to GPS monitoring by Wisconsin DOC outside of Wisconsin's borders.
10. Agents will determine an offenders' ability to pay GPS fees and assign the appropriate fee schedule. The fee schedule and procedures for GPS offenders is referenced in DCC AD 13-11.

Probable Cause Report:

Violations of an exclusion zone representing an order of protection constitutes new criminal behavior. When this occurs, a probable cause report shall be prepared and submitted to the law enforcement agency where the exclusion zone is located. The report shall be completed within ten business days of the violation. The probable cause report shall contain the following information:

- Cover Letter
- Copy of the Order of Protection
- Violation Report
- GPS printouts documenting the offender's entry into an exclusion zone

Distribution List (Other than Noted Dissemination):